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19 *Attorneys for Defendants*

Warren Postman and Keller Lenkner LLC

20 UNITED STATES DISTRICT COURT

21 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

22 LYFT, INC.,

23 Plaintiff,

24 vs.

25 WARREN POSTMAN, an individual
26 citizen of Virginia, and KELLER
27 LENKNER LLC, an Illinois limited
liability corporation,

28 Defendant.

Case No. 3:18-cv-6978-EMC

Assigned to the Hon. Edward M. Chen

**STIPULATION RE EXTENSION
FOR DEFENDANTS TO RESPOND
TO COMPLAINT**

Trial Date: None Set

1 Pursuant to Local Rules 6-1 and 6-2, the parties hereby stipulate to an
2 extension of the deadline for Defendants to respond to the Complaint.

3 **Recitals**

4 WHEREAS, Plaintiff filed its Complaint on November 16, 2018 (Dkt. 1) and
5 simultaneously filed a Motion for Preliminary Injunction and Memorandum of
6 Points and Authorities in Support (Dkt. 4);

7 WHEREAS, Defendants executed a Waiver of Service of Summons, making
8 their answer or motion under Rule 12 due by November 19, 2018 (Dkt. 17);

9 WHEREAS, the parties thereafter entered into a Stipulation to an extension to
10 the briefing schedule and hearing date on Plaintiff's Motion for Preliminary
11 Injunction to allow limited expedited discovery (Dkt. 31);

12 WHEREAS, the Court granted the Stipulation, which, among other things,
13 extended the due dates for the opposition and reply briefing on Plaintiff's Motion
14 for Preliminary Injunction, and set the hearing date on the same for March 7, 2019
15 (Dkt. 34);

16 WHEREAS, Defendants currently intend to file a motion to dismiss pursuant
17 to Rule 12;

18 WHEREAS, the parties desire to avoid overlap between the briefing schedule
19 for Defendants' Rule 12 motion and the briefing schedule for Plaintiff's Motion for
20 Preliminary Injunction and the related discovery;

21 WHEREAS, the parties further submit that the Court should rule on
22 Plaintiff's Motion for Preliminary Injunction before Defendants file their Rule 12
23 motion;

24 THEREFORE, the parties, subject to the Court's approval, stipulate to the
25 following: Defendants shall file their motion to dismiss the Complaint pursuant to
26
27
28

1 Rule 12, or other responsive pleading, within fourteen (14) calendar days of the
2 entry of an Order on Plaintiff's Motion for Preliminary Injunction.

3 **IT IS SO STIPULATED.**

4
5 Dated: January 15, 2019

KEKER VAN NEST & PETERS LLP

Rachael E. Meny
R. James Slaughter
Ian A. Kanig

8
9 By: /s/ R. James Slaughter

R. James Slaughter
10 *Attorneys for Plaintiff Lyft, Inc.*

11
12 Dated: January 15, 2019

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19 By: /s/ Matthew L. Venezia

Matthew L. Venezia
20 *Attorneys for Defendants*
21 *Warren Postman and Keller Lenkner LLC*

Filer's Attestation: Pursuant to Civil Local Rule 5-4.3.4(a)(2) regarding signatures, Matthew L. Venezia hereby attests that concurrence in the filing of this document has been obtained from all other signatories identified above.

Dated: January 15, 2019

By: /s/ Matthew L. Venezia
Matthew L. Venezia

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing document to be served on all ECF-registered counsel of record via the Court's CM/ECF system.

Dated: January 15, 2019

/s/ Matthew L. Venezia
Matthew L. Venezia